



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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July 19, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-22**

Advanced Circuit Technology
100 Northeastern Boulevard
Nashua, New Hampshire 03062-1919

Attn: Mr. Jack Burroughs, Environmental Health & Safety Manager

**Re: Advanced Circuit Technology
Nashua, New Hampshire
EPA ID # NHD081255788**

Dear Mr. Burroughs

On March 13 & 21, 2002, the Department of Environmental Services (DES) conducted an inspection of Advanced Circuit Technology (ACT). The purpose of the inspection was to determine ACT's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 504.02(d) & (e) - Generator Notification

Current DES notification records do not reflect the changes in the contact person and waste streams generated at ACT. Also, changes in ownership and in company name (to Amphenol) have not been updated.

Env-Wm 504.02(d) requires that a generator shall notify DES verbally or in writing of any changes to the company name, contact person, or waste streams generated within 30 days of the effective date of the change. Env-Wm 504.02(e) further requires changes in company ownership to be made using a New Hampshire Notification Form within 30 days of the effective date of the change.

DES requests that ACT complete and submit the enclosed subsequent New Hampshire Notification Form in order to accurately reflect the changes identified above.

2. Env-Wm 507.03(a)(1)d. - Container Marking

At the time of inspection, two (2) 55-gallon containers of hazardous waste ("Tin/Lead Filters" and "Fluboric Acid") located in the Hazardous Waste Storage Area, were not marked with the EPA or state waste number(s) (Refer to the enclosed Hazardous Waste Container Inventory).

Env-Wm 507.03(a)(1)d. requires that all containers used for the storage of hazardous waste be marked with the EPA or state waste number at the time they are first used to store wastes.

DES requests that ACT properly mark all containers of hazardous waste, at the time they are first used to store waste, with the EPA or state waste number.

3. Env-Wm 509.02(a)(4) – Preparedness and Prevention

At the time of the inspection, adequate aisle space was not provided for containers of hazardous waste located in the "Hazardous Waste Storage Area."

Env-Wm 509.02(a)(4), which references 40 CFR 265.35, requires that generators must maintain required aisle space at each hazardous waste storage area. Required aisle space is further defined in Env-Wm 509.02 (e) to mean not less than 2 feet of aisle space to allow for inspection of at least one side of each container.

DES requests that ACT maintain the required aisle space for each container of hazardous waste at the "Hazardous Waste Storage Area."

During the subsequent March 21, 2002, re-inspection of ACT's hazardous waste storage areas, inspectors documented that an adequate amount of aisle space was created between the hazardous waste containers. No further action is required.

4. Env-Wm 509.02(a)(5) – Contingency Plan

A review of ACT's contingency plan revealed deficiencies regarding the following:

- (a) The emergency coordinator's home and office addresses;
- (b) A physical description of emergency equipment item, and a brief outline of the equipment capability;
- (c) Provisions in the facility contingency plan to assess possible hazards to human health or the environment as a result of the emergency situation;
- (d) The specific information to provide to local authorities during an emergency (listed in 40 CFR 265.56(d)(2);

- (e) Provisions in the facility contingency plan to ensure that a waste which is incompatible with the released material is not treated, stored or disposed of until cleanup procedures are completed;
- (f) Provisions in the facility contingency plan to provide that all equipment has been cleaned and is fit before resumption of operations;
- (g) Provisions in the facility contingency plan to notify state and local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities;
- (h) The facility contingency plan did not list specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that ACT revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

5. Env-Wm 509.02(b)– Emergency Posting

At the time of the inspection, ACT's emergency posting at the nearest telephone to the hazardous waste storage area was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that ACT post the required information at the nearest telephone to the hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

6. Env-Wm 509.03- Satellite Storage Requirements

At the time of inspection, one (1) 55-gallon satellite accumulation container of hazardous waste "Rags with IPA, Toluene, MEK, Xylene" was observed in the Dri-Circuit Area. The waste container served as a consolidation point which was not at or near the points of generation or under the control of the process operator.

Env-Wm 509.03 requires that all satellite storage areas be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

DES requests that ACT relocate the above-mentioned hazardous waste satellite accumulation container to a location at or near the point of generation or to a designated hazardous waste storage area. As an alternative to this strategy, ACT may elect to deliver the rags/wipers to an industrial laundering facility for cleaning and reuse. Enclosed is Fact Sheet (WMD- HW-6) "Contaminated Cloth Wipers for Laundering" that outlines DES's policy for managing such wastes.

In a letter from received on May 6, 2002, Mr. Jack Burroughs provided a written synopsis substantiating ACT's compliance with the Full Quantity Generator Satellite Storage Requirements. According to the letter, "ACT has moved the flammable rag storage drum to the Assembly Department to assure compliance with satellite storage rules." As a result, no further action is required.

7. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, ACT had not completed an adequate used oil determination for its generated "Oil Waste."

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that ACT conduct initial used oil determinations for the "Oil Waste" using parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. ACT should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

Should the analyses indicate contaminants present at a level in excess of the "off-specification" standards outlined in Env-Wm 807.03, ACT must conduct a determination based upon the criteria listed in Env-Wm 807.04- Used Oil Classified as Hazardous Waste.

8. Env-Wm 808.02(b)- General Requirements for Recyclable Materials

At the time of the inspection, ACT personnel claimed that hazardous wastes from the "Image Developing Process" (on-site silver recovery unit) and the "Conductive Silk Screening Process" were recycled for their precious metal value, but were not manifested when shipped off-site.

Env-Wm 808.02(b) requires persons that generate recyclable materials utilized for precious metal recovery to comply with the notification and manifest requirements of Env-Wm 500.

DES requests that ACT ensure that off-site shipments of hazardous waste, destined for precious metal recovery, are properly manifested in accordance with Env-Wm 500. Manifested shipments should be delivered to a facility authorized, under the destination state's rules, to handle the hazardous waste.

In a letter from received on May 6, 2002, Mr. Jack Burroughs provided a written synopsis substantiating ACT's intention to comply with the requirements of Env-Wm 808.02(b). According to the letter, "ACT fully intends to comply with Env-Wm 808 in regard to Recyclable Materials for Precious Metal Recovery including manifesting and notification. As a result, no further action is required.

During the inspection, DES learned that ACT's "Copper Etch" waste stream was transported by Hubbard Hall to the Old Bridge Chemicals, Inc. (Old Bridge) facility in Old Bridge, New Jersey for recycling. As a result, ACT personnel provided historical correspondence from NH DES, Old Bridge, and the State of New Jersey DEP to certify compliance with Env-Wm 803.05. Although this information provided an account of the process whereby copper etchants are recycled, it did not attest to the wastes specifically generated by ACT. Therefore, DES requests that ACT provide additional documentation in accordance with Env-Wm 803.05(b) that explains the physical and chemical properties of "ACT's waste" and of the recycling process. Specifically, certify if the waste "Copper Etch" **generated by ACT** meets the criteria for incorporation into Old Bridge's process to make a product, and is therefore exempt from the hazardous waste rules per Env-Wm 803.05. For example, provide analytical evidence demonstrating that the waste does not require reclamation prior to use in the process, is an effective substitute for a commercial chemical product, and does not produce unforeseen toxic byproducts.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by ACT can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against ACT, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwucs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, which appears to read "Kenneth W. Marschner", is written over the word "COPY" in large, bold, black capital letters.

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9773 1151

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, DES Enforcement Coordinator
Marc D. Thomas, Wastewater Treatment Supervisor, ACT

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
NHDES "Suggested outline for a contingency plan"
NHDES "Sample emergency posting"
New Hampshire Notification Form
NHDES "Summary of the used oil regulations"
NHDES "List of analytical laboratories...."